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THE INDIVIDUAL RESPONSIBILITY OF THE DEFENDANT

B A L D U R von S C H I R A C H

FOR CRIMES AGAINST THE PEACE, WAR CRIMES AND CRIMES AGAINST HUMANITY

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A. SECTION OF THE INDICTMENT

Statement of Individual Responsibility for Crimes Set out in Counts One, Two, Three, and Four, "SCHIRACH", Appendix A, page 32 of the English translation of the Indictment before the International Military Tribunal:

SCHIRACH:

The defendant Schirach between 1924 and 1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Youth Leader on the Staff of the SA Supreme Command, Reichsleiter in the Nazi Party for Youth Education, Leader of Youth of the German Reich, head of the Hitler Jugend, Reich Defense Commissioner and Reichstatthalter and Gauleiter of Vienna. The defendant Schirach used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological and educational preparations for war and the militarization of Nazi dominated organizations set forth in Count One of the Indictment; and he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including, particularly, anti-Jewish measures.

B. LEGAL REFERENCES

Article 6, paragraphs (a), (b), and (c), Charter of the International Military Tribunal, 8 August 1945.

C. STATEMENT OF EVIDENCE

1. Schirach's NSDAP Membership, NSDAP Positions, and Government Positions.

In an affidavit,

3302-PS, Affidavit of Schirach, 4 December 1945,

Schirach has declared that he held the following positions:

Positions in the Nazi Party

a. NSDAP member, 1925 to 1945 (par. 2)

b. Leader of the National Socialist Students' League, 1929-1931. (par. 2)

c. Leader of the Hitler Youth organization, 1931-1940. (par. 2)

d. Reich Youth Leader (Reichsjugendfuehrer) on the Staff of the SA Supreme Command under Ernst Roehm, 1931-1932. (par. 3)

e. Reich Youth Leader (Reichsjugendfuehrer) of the NSDAP, 1931-1940; in 1932 Schirach became an independent Reich leader (Reichsleiter), and no longer remained on the Staff of the SA Supreme Command. (pars. 3 and 4)

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f. Gruppenfuehrer (Lt. General) of the SA, 1931-1941 (par. 5)

g. Reich Leader (Reichsleiter) for Youth Education in the NSDAP, 1932-1945. (par. 4)

h. Gau Leader (Gauleiter) of the Reichsgau Vienna, 1940-1945. (pars. 7 & 8)

i. Obergruppenführer (General) of the SA, 1941-1945. (par. 5)

Governmental Positions

a. Reich Youth Leader, 1933-1940. (par. 9)

b. Reich Governor (Reichstatthalter) of the Reichsgau Vienna, 1940-1945. (par. 10)

c. Reich Defense Commission of Vienna, 1940-1945. (par. 12)

d. Deputy to the Führer for the Inspection of the Hitler Youth (Beauftragter der Führer fuer die Inspektion der Gesamten Hitler Jugend), 1940-1945. (par. 6)

Schirach was also a member of the Reichstag from 1932 to 1945.

2973-PS, Certificate of Schirach

2. SCHIRACH WAS AN INTIMATE AND SLAVISH FOLLOWER OF HITLER SINCE THE YEAR 1925

As early as 1925 Baldur von Schirach, then 18 years old, joined the Nazi conspirators. Upon special request of Hitler, he went to Munich in order to study Party affairs. After having joined the NSDAP in 1925, he became active in converting students to National Socialism.

3302-PS, Affidavit of Schirach, 4 December 1945, Par. 2.

This was the start of Schirach's conspiratorial activities which he continued for two decades in the spirit of unbending loyalty to Hitler and to the principles of National Socialism. Schirach shows his slavish loyalty to Hitler in his principal book, "The Hitler Youth", published in 1934:

> "We were not yet able to account for our conception in detail, we simply believed. And when Hitler's book, "Mein Kampf", was published it was our bible which we almost learned by heart in order to answer the questions of the doubters and superior critics. Almost everyone today who is leading youth in a responsible position joined us in those years." (p. 17)

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> "In my apartment on Koenigin Strasse, I was lucky enough to be able to express my apprehensions about Strasser to the Fuehrer, otherwise I never discussed these things with anybody with the exception of Julius Streicher." (p. 27)

1458-PS, Die Hitler Jugend (The Hitler Youth) by Baldur von Schirach, Leipzig, 1934, pp. 17 and 27.

3. SCHIRACH WAS THE LEADING NAZI CONSPIRATOR IN DESTROYING INDEPENDENT YOUTH ORGANIZATIONS AND IN BUILDING THE NAZI YOUTH MOVEMENT.

a. INTRODUCTION

This section of this brief should be read in connection with the brief of the U. S. Chief of Counsel entitled "D. Reshaping of Education; Training of Youth", and in connection with the documents cited therein under the section headed "b. The Nazi conspirators supplemented the school system by training the youth through the Hitler Jugend." Attention of the Tribunal is also called to the motion picture "The Nazi Plan" presented before the Tribunal on 11 December 1945, insofar as the film involves the defendant Schirach. Specific reference is made to Schirach at the following pages of Document Number 3054-PS, the index and guide to this film: 1-iv (par. 19), 1-v (par. 21 f)), 1-vi (pars. 22 and 24), 1-vii (par. 29), 1-viii (par. 34 d)), 1-ix (par. 40 b)), 12, 15, 18 and 22.

The principal purpose of this section of this brief is to present the personal responsibility of the defendant Schirach within the Nazi conspiracy. It was his task to perpetuate the Nazi regime through generations by poisoning the mind of youth, and thereby the mind of the German people, and to prepare the German nation for aggressive wars.

The basic law concerning the Hitler Youth, which under Schirach's tutelage became an instrument of the Nazi State, declares:

> "The future of the German Nation depends on its youth, and the German youth shall have to be prepared for its future duties . . .

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> All of the German youth in the Reich is organized within the Hitler Youth.
>
> The German youth besides being reared within the family and school, shall be educated physically, intellectually, and morally in the spirit of National Socialism to serve the people and the community, through the Hitler Youth.
>
> The task of educating the German Youth through the Hitler Youth is being entrusted to the Reich Leader of German Youth in the NSDAP . . . ."
>
> 1392-PS, Gesetz über die Hitlerjugend (Law concerning the Hitler Youth), 1 December 1936, 1936 Reichsgesetzblatt, Part I, p. 993.

For the five years preceding the promulgation of this law Schirach had been leader of the Hitler Youth and Reich Youth Leader of the NSDAP. He continued in these positions until the Nazis launched their aggressive wars. As late as 4 December 1945, Schirach declared his own feeling of responsibility for Nazi policies concerning youth:

> "I feel myself responsible for the policy of the youth movement in the Party and later within the Reich."
>
> 3302-PS, Affidavit of Schirach, 4 December 1945, Par. 5.

b. SCHIRACH ACTIVELY PROMOTED THE NSDAP AND ITS AFFILIATED YOUTH ORGANIZATIONS BEFORE THE NAZIS SEIZED POWER.

In 1929 Hitler appointed Schirach leader of the National Socialist German Students League and in 1931 leader of the Hitler Jugend. After 1931, Schirach devoted his full time to Party work.

> 3302-PS, Affidavit of Schirach, 4 December 1945, Par. 2.

Before 1933, Schirach moved throughout Germany, leading demonstrations and summoning German youth to the Hitler Youth. When this

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organization and the wearing of its uniform were forbidden by law, Schirach continued by illegal means. Of this period he writes:

> "Whoever came to us during this illegal time, boy or girl, risked everything . . . . With pistols in our belts we drove through the Ruhr district while stones came flying after us."
>
> 1450-PS, Die Hitler Jugend (The Hitler Youth), by Baldur von Schirach, Leipzig, 1934, p. 26.

Schirach admits that the defendant Rosenberg and he were not successful before 1933 in efforts to reach "an understanding" with other youth organizations. Schirach states that he thereupon arrived at a conclusion which later was to spell the doom of independent youth groups:

> "I realized at that time that an understanding with the leaders of the League would never be possible and devoted myself to the principle of the totality (Totalitat) of the Hitler Youth which in the year 1933 cost all those leagues their independent existence."
>
> Ibid, p. 22-23

c. SCHIRACH, ON BEHALF OF THE NAZI CONSPIRATORS, DESTROYED ALL INDEPENDENT YOUTH ORGANIZATIONS OR CAUSED THEM TO BE ABSORBED WITHIN THE HITLER YOUTH (HITLER JUGEND).

After the Nazi conspirators seized political control of Germany, Schirach was aggressive, brutal, and resourceful in bringing the entire German youth within the Nazi orbit of control and domination. Referring to the period immediately following 30 January 1933, Schirach declared:

> "Now the problem was to apply the victory of the movement to the entire youth. Our cabinet ministers were overburdened with their new tasks and were working day and night. We could not wait until they could find time to solve the youth question by their own initiative. Therefore, we had to act ourselves. My co-workers met in my Munich

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> apartment and advised me to occupy the Reichs Committee (Reichsausschuss) of the German Youth Leagues (Jugendverbaende). I commissioned General(Obergebietsführer) Habersberg with 50 members of the Berlin HJ to make a surprise raid on the Reich Committee in the Alsenstrasse early the next morning. This was done and at noon the press had the report that the HJ (Hitler Youth) had taken over the leadership of the Reich Committee."
>
> 1458-PS, Die Hitler Jugend (The Hitler Youth) by Baldur von Schirach, Leipzig, 1934, p. 32.

By a second surprise raid, Schirach took over the Youth Hostels. Of this Schirach writes in the same book:

> "In the meantime I gained control over the Reich League for German Youth Hostels (Reichsverband für deutsche Jugendherbergen) in a similar manner to the one employed with the Reich Committee." (p. 33)

By using the records of the seized Reich Committee, Schirach states that he obtained knowledge of the strength and influential personalities of all the German youth groups.

> "From this point I recognized the necessity of coming to grips with the Greater German Union (Grossdeutscher Bund) (p. 33)

In June 1933, Schirach was appointed Youth Leader of the German Reich (Jugendfuehrer des Deutschen Reiches) in a solemn ceremony before Hitler. Concerning the period immediately following, Schirach writes in the same book:

> "The first thing I did was to dissolve the Greater German Union (Grossdeutscher Bund). Since I headed all German youth organizations and I had the right to decide on their leadership, I did not hesitate for a moment to take this step, which was for the Hitler Youth the elimination of an unbearable state of affairs. (p. 35-36).

The dissolution of this and other youth organizations was accomplished by orders, issued by Schirach as Youth Leader of the German Reich.

> 2229-PS, National Socialist Party Press release, 22 June 1933, pages 2 and 3.

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In this position Schirach also appointed deputies to the various German states (Landesbeauftragte) "to carry out my instructions and I appointed district leaders (Gebietsfuehrer) to these positions in all of the states in execution of my right."

1458-PS, Die Hitler Jugend (The Hitler Youth), by Baldur von Schirach, Leipzig, 1934, p. 35.

In this book Schirach also admits directing the further assimilation or destruction of other youth organizations:

> "The Marxist youth as well as all political youth organizations I prohibited after the occupation of the Reich Committee. The one million members of the HJ which we had on 30 January 1933 had grown to a round 3,000,000. Only the two large professional groups, the Protestant and Catholic youth, were opposed to us. (p. 37)."

Schirach proceeded to hold discussions with the Hitler-appointed Reich Bishop Ludwig Mueller,

> "And in December 1933, the Reich Bishop and myself were able to inform the Fuehrer that incorporation of the Protestant youth into the HJ had become a reality."

1458-PS, Die Hitler Jugend (The Hitler Youth), by Baldur von Schirach, Leipzig, 1934, p. 38.

When this book was written, Schirach had not yet accomplished the complete coordination of Catholic youth into the Hitler Youth, though he argued that:

> "No reasonable man in Germany can give a reason for the necessity of the existence of Catholic youth organizations in their present form." (pp. 44-45).

Schirach's objective of forcing all German youth into the Hitler Youth was finally accomplished by a decree in December 1936.

1392-PS, Gesetz über die Hitler Jugend (Law concerning the Hitler Youth), 1 December 1936, 1936 Reichsgesetzblatt, Part I, p. 993.

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d. SCHIRACH WAS MAINLY RESPONSIBLE FOR THE INDOCTRINATION AND TRAINING OF GERMAN YOUTH OUTSIDE OF HOME AND SCHOOL.

The law making the organization of all German Youth within the Hitler Youth compulsory declared that:

> "The task of educating the German Youth through the Hitler Youth is being entrusted to the Reich Youth Leader in the NSDAP."
>
> 1392-PS, Gesetz über die Hitler Jugend (Law concerning the Hitler Youth), 1 December 1936, 1936 Reichsgesetzblatt, Part I, p. 993.

To make Schirach's sole competence even clearer, the first executive order concerning the basic youth law stated:

> "The youth leader of the German Reich is solely competent for all missions of the physical, ideological, and moral education of the entire German youth outside of the house of the parents and the school."
>
> 1462-PS, Erste Durchführungsverordnung zum Gesetz über die Hitler-Jugend (Allgemeine Bestimmungen) (First Executive Order to the law concerning the Hitler youth (General regulations), 25 March 1939, 1939 Reichsgesetzblatt, Part I, p. 709.

e. SCHIRACH WAS THE PRINCIPAL NAZI CONSPIRATOR IN APPLYING THE LEADERSHIP PRINCIPLE TO GERMAN YOUTH.

As a Reich Leader (Reichsleiter) in the NSDAP, Schirach was responsible only to Hitler or his deputy (Stellvertreter), the defendant Hess. In youth affairs he was at the very top of the Nazi leadership pyramid, and under him German youth was directed by and completely subjected to the Leadership Principle. The Leadership Principle, one of the principal control techniques of the Nazis, was explained and glorified by Schirach as it applied to German youth:

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> "A single will leads the HJ. The power of authority of the HJ leaders, that of the smallest as well as of the largest unit, is absolute, i. e., he has the unlimited right to give orders because he bears the unlimited responsibility. He knows that the responsibility of the higher one comes before that of the lower ones. Therefore, he submits silently to the instructions of his leaders even if they are directed against him personally. To him as well as to all young Germany the history of the HJ is proof of the fact that a youth community also can only be successful if it unconditionally recognizes the authority of leadership. The success of National Socialism is a success of discipline. The structure of National Socialist Youth is built on the foundation of discipline and obedience. The teachings of the time of persecution apply even more to the period of victory and power."
>
> 1450-PS, Die Hitler Jugend (The Hitler Youth), by Baldur von Schirach, Leipzig, 1934, p. 68.

f. SCHIRACH INDOCTRINATED YOUTH WITH THE NAZI IDEOLOGY.

Schirach states that:

> "It was my task to educate the youth in the aims, ideology and directives of the NSDAP, and beyond this to direct and to shape them."
>
> 3302-PS, Affidavit of Schirach, 4 December 1945, Par. 5.

For this purpose the Hitler Youth had an elaborate propaganda apparatus which published numerous periodicals, ranging from a daily press service to monthly magazines. Through liaison agents the Hitler Youth Propaganda Office had permanent contact with Dr. Goebbels' Propaganda Office of the NSDAP and with the Ministry of People's Enlightenment and Propaganda.

> 3349-PS, Organisationsbuch der NSDAP (Organization Book of the NSDAP), 1936 and 1940 editions, published by the Central Publishing House of the NSDAP, pp. 452 and 453.

Schirach, together with the conspirator Dr. Robert Ley, established the Adolf Hitler Schools in January, 1937. These

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schools, according to the joint statement of Reich Leaders (Reichsleiter) Schirach and Ley, were open to outstanding and proven members of the Youth Folk (Jungvolk), the junior section of the Hitler Youth organization. The Adolf Hitler Schools were destined to train youth free of charge for responsible positions in National Socialist Germany. These schools were units of and under the jurisdiction of the Hitler Youth. Schirach shared with Reich Organization Leader (Reichsorganisationsleiter) Ley the general supervision of the contents of the teaching, the curriculum, and the staff of the Adolf Hitler Schools.

2653-PS, Das Dritte Reich (The Third Reich), by Gerd Ruhle, Fifth Year (1937), pp. 117-118.

Schirach encouraged a close relation between members of the Hitler Youth and the German League for Germandom abroad (Verein fuer das Deutschum im Ausland, or the "VDA"). An agreement between Schirach and the leaders of the VDA in 1933 states:

> "(1) With a complete respect for the important racial-political task the Hitler Youth recommends to its members membership in collaboration with the VDA.
>
> . . . . . .
>
> "(3) The school groups of the VDA (racial-German work cells) assist the Hitler Youth in their work."

L-360-H, Agreement between the VDA and the Hitler Youth, 6 May 1933.

Schirach thus subscribed to the "racial-political task" of the NSDAP and extended his jurisdiction even beyond the border of the German Reich. His encouragement and approval of anti-Jewish terror by youth is discussed below under Section 8 d, "Anti-Semitic measures."

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8. THROUGH THE HITLER YOUTH, SCHIRACH ASSISTED THE NAZI CONSPIRATORS IN DEVELOPING LEADERS AND MEMBERS OF THE NSDAP AND ITS AFFILIATED ORGANIZATIONS, INCLUDING THE SA AND THE SS.

Sometime before the launching of aggressive wars, the Hitler Youth had become the principal source for zealous members for the NSDAP and its affiliated organizations. Orders of the Party Chancellory concerned with "successor problems" of the Party place a tremendous emphasis on constant attention to Hitler Youth members as future Nazi leaders, thus attempting the perpetuation of the Nazi regime and Nazi ideology for the immediate future and even into future generations. Only Hitler Youth members who distinguished themselves were to be admitted to the Party. Nazi leaders were instructed to use "properly qualified full-time Hitler Youth leaders . . . for the continuation of their political work in the Party service", so that a necessary succession of full-time leaders in the Leader Corps (Fuehrerkorps) of the Party would be secured.

3348-PS, Verfuegungen, Anordungen, und Bekanntgaben (Decrees, Regulations, and Announcements) of the Party-Chancellory, Vol. I, pp. 298, 299, and 303.

The Party manual also discusses the Hitler Youth as a recruitment agency for future Nazi leaders and members of affiliated organizations of the NSDAP:

> "To secure for the Party valuable and trained recruits for leadership, suitable Hitler Jugend boys of over 17 can be assigned for education and training to leaders from local unit leaders on upwards.
>
> . . . . . .
>
> Besides the above-mentioned conditions for selections in general, a process of elimination results from the fact that from youth on the German is cared for, guided, and educated by the Party. First they are assembled in the

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Young Folk (Jungvolk) from which the young people are transferred into the HJ. The boy of the HJ enters the SA, the SS, the NSKK or the NSFK or participates in the work of the affiliated organizations of the Party. After labor and army service, he returns for service to the Party and its affiliates, respectively."

2401-PS, Organisationsbuch der NSDAP (Organization Book of the NSDAP), 1938 edition, pp. 80 and 81.

Special arrangements existed between the conspirator Himmler's SS and Schirach's Hitler Youth concerning the recruiting of members of the Hitler Jugend for later service in the SS. Within the Hitler Youth was a special group called the Streifendienst (Patrol Service). Concerning this special group, an official handbook on youth laws states:

"Organization of the Streifendienst.

1. Since the Streifendienst in the HJ has to perform tasks similar to those of the SS for the whole movement, it is organized as a special unit for the purpose of securing recruits for the general SS; however, as much as possible, recruits for the SS special troops, for the SS death head troops, and for the officer candidate schools should also be taken from these formations.

. . . . . .

4a. The selection of Streifendienst members is made according to the principles of racial selection of the Schutzstaffel (SS); the competent officials of the SS, primarily unit leaders, race authorities, and SS physicians, will be consulted for the admission test.

. . . . . .

(5) To insure from the beginning a good understanding between Reich youth leadership and Reich SS leadership, a liaison office will be ordered from the Reich youth leadership to the SS main office starting 1 October 1938. The appointment of other leaders to the SS sections is a subject for a future agreement.

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(6) After the organization is completed, the SS takes its replacement primarily from these Streifendienst members. Admission of youths of German blood who are not members of the HJ is then possible only after information and advice of the competent Bann leader."

2396-PS, Handbuch des gesamten Jugendrechts (Handbook of collected youth laws), quotation from official news register of the Reich youth leadership of 7 October 1938, Vol. I, Group 1, pp. 19a, 19b, and 20.

Shortly after this, on 17 December 1938, Schirach and Himmler entered int and signed another agreement for recruiting SS members from the ranks of the Hitler Youth:

"To secure full success for the common effort of the SS and the Hitler Youth by strict cooperation, to stem the flight from the land, to build a new peasant class, to bring the best part of the people into contact with the earth of the homeland, the following arrangement has been made in connection with the agreement of 26 August 1938.

1. The farm service of the Hitler Youth is according to education and aim, particularly well suited as a recruiting organization for the Schutzstaffel (general SS and the armed sections of the SS; SS special troops and SS death head battalions).

2. Boys who suit the special demands of the SS according to physical conditions and moral attitude are preferably admitted into the farm service of the Hitler Youth.

. . . . . .

5. All farm service members who pass the general admission test of the SS will be taken over into the general SS after leaving the farm service."

2567-PS, Das Junge Deutschland (The Young Germany), published by the Central Publishing House of the NSDAP, Berlin, February 1939, p. 93.

Thus, by the end of 1938, the Hitler Youth had become the main source for future SS members (For the criminal activities of the SS formations for which Hitler Youth members were recruited, the Tribunal is referred to the proof previously presented to the Tribunal on the Schutzstaffel (SS).

h. SCHIRACH ACTIVELY ENGAGED IN MILITARIZING THE HITLER YOUTH

In June 1933, under an agreement between Hitler and the conspirator Franz Seldte which was negotiated in the presence of the Reich Minister of War, the "Steel Helmet League of Front Line Soldiers" (Stahlhelm, Bund der Frontsoldaten) was incorporated into the Nazi movement. The Scharnhorst, the youth organization of the Stahlhelm, was integrated into the Hitler Youth.

2260-PS, National Socialist Party Press Service release, agreement between Hitler and Seldte, 21 June 1933, p. 1.

The Hitler Youth was generally set up along military lines with uniforms, ranks, and titles. It contained divisions called Naval Hitler Youth, Motorized Hitler Youth, Hitler Youth Flyers, and Signal Hitler Youth. According to an official document published by the Reich Youth Leadership under Schirach, the object of these divisions within the Hitler Youth was to prepare boys, respectively, for the German merchant marine and Navy, the National Socialist Motorized Corps (NSKK), for civil and military aviation and for service with signal troops.

2654-PS, Aufbau und Abzeichen der Hitler Jugend (Organization and Insignia of the Hitler Youth), Berlin, pp. 56-60.

On or about 11 August 1939, just before the invasion of Poland, an agreement was entered into between the defendants Schirach and Wilhelm Keitel, then Chief of the High Command of the Wehrmacht, which was declared by "Das Archiv" to represent "the result of close cooperation" between these two defendants. The agreement itself

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stated:

> "While it is exclusively the task of the Hitler Youth to attend to the training of their units in this direction, it is suitable in the sense of a uniform training corresponding to the demands of the Wehrmacht to support the leadership of the Hitler Youth for their responsible task as trainers and educators in all fields of training for defense by special courses..... A great number of courses are in progress".
>
> 2398-PS, Das Archiv (The Archive), issued by Alfred-Ingemar Berndt, Ministerial Counsellor in the Propaganda Ministry, August 1939, Vol. 65, pp. 601-602.

The agreement stated that it "gives the possibility of roughly re-doubling" the some 30,000 leaders in the Hitler Youth schools for directing shooting practice and field training. Under the agreement, specific arrangements were made for messing and billeting the Hitler Youth leaders at Wehrmacht installations. Former Hitler Youth leaders in the Wehrmacht, who were specially selected volunteers, were to be assigned as liaison officers and deputies for carrying out this military training.

Hitler, in a speech in February 1938, represented that thousands of German boys had received specialized training in naval, aviation, and motorized groups within the Hitler Youth, and that over 1 million Hitler Youth members had received instructions in rifle shooting from 7,000 instructors.

> 2454- PS, Voelkischer Beobachter (People's Observer), the official newspaper of the NSDAP, Munich (Southern German) edition, 2 May 1938.

4. SCHIRACH PROMOTED THE ACCESSION TO POWER OF THE NAZI CONSPIRATORS.

This allegation of the Indictment is born out by Schirach's activities in converting students to National Socialism and by his Leadership of the Hitler Youth before the Nazis seizure of political power. These activities are described above under Sections 2 and 3b.

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5. SCHIRACH PROMOTED THE CONSOLIDATION OF POWER OF THE NAZI CONSPIRATORS

Schirach's acts in accomplishing the Nazis' complete control over German youth are described above in Sections 2 and 3. These acts were of notable assistance to the Nazi conspirators in acquiring complete control of Germany during the pre-war years. Schirach's own words in 1938 leave no doubt as to his own feeling of personal responsibility in this connection:

> "The struggle for the unification of the German youth is finished. I considered it as my duty to conduct it in a hard and uncomprising manner. Many might not have realized why we went through so much trouble for the sake of the youth. And yet: The National Socialist German Workers' Party, whose trustee I felt I always was and always will be, this Party considered the struggle for the youth as the decisive element for the future of the German nation." (p. 51)
>
> . . . . . .
>
> "And I promise the German public that the youth of the German Reich, the youth of Adolf Hitler, will accomplish its duty in the spirit of the man to whom alone their lives belong." (p. 52)
>
> 2306-PS, Revolution der Erziehung (Revolution of Education), by Baldur von Schirach, 1938, pp. 51-52.

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6. SCHIRACH PROMOTED THE PSYCHOLOGICAL AND EDUCATIONAL PREPARATIONS FOR AGGRESSIVE WAR AND THE MILITARIZATION OF NAZI DOMINATED ORGANIZATIONS.

A general outline of Schirach's acts bearing on this allegation of the Indictment appears above under Section 3. By his own admission, Schirach was the principal Nazi responsible for driving the entire Nazi ideology into the minds of German youths, many of whom grew up to be fanatical Nazis like Schirach himself. From Hitler, in 1938, came boastings of the accomplishments of the Hitler Youth in military training. Through the vast propaganda network of the Reich Youth Leadership, through the Adolf Hitler Schools, through the minute regimentation of youth and its subjection to the Leadership Principle, and through the military training of German youth, Schirach fulfilled the edict of the basic law concerning the Hitler Youth:

> "The future of the German nation depends on its youth, and the German youth shall have to be prepared for its future duties".

It has been proven that the future duties of the youth entrusted to Schirach were participation in aggressive wars.

7. SCHIRACH'S GENERAL FUNCTIONS AND RESPONSIBILITIES AS PARTY AND GOVERNMENT LEADER IN THE REICHSGAU VIENNA

a. GAU LEADER (GAULEITER).

Schirach was Gau Leader of the NSDAP for the Reichsgau Vienna from July 1940 to 1945. In common with all other Gau Leaders, Schirach was the highest representative of Hitler, the supreme Party Leader, in his Gau, and he was the bearer of sovereingty (Hoheitstraeger) of the Party for this regional division of the Party. As such, he possessed "sovereign political rights"; he represented the Party with his Gau; and he was "responsible for the entire political situation within" this Gau.

1893-PS, Organisationsbuch der NSDAP (Organization Book der NSDAP), 1943 edition, p. 98.

This Party manual makes it mandatory that each Gau Leader meet at least once a month with leaders of the affiliated organizations of the NSDAP, including the SA and the SS, "for the purpose of mutual orientation" (page 70), and authorizes the Gau Leader to call upon SA leaders (page 71) and SS leaders (page 75) as "needed for the execution of a political mission". As a Gau Leader Schirach was appointed by Hitler and was "directly subordinate" to him (page 136). He was responsible for coordinating activities of the NSDAP with various state authorities, including the police and the Gestapo (page 140 b).

b. REICH GOVERNOR (REICHSSTATTHALTER)

Schirach was Reich Governor of the Reichsgau Vienna from July 1940 to 1945. After the Anschluss the Nazi conspirators abolished the State of Austria as a sovereign state and divided Austria into seven Reich Gaus, the most important of which was the Reichsgau Vienna (Reichsgau Wien). Schirach, in his capacity as Reich Governor, was the lieutenant of the head of the German State, Hitler, in his Gau. As Reich Governor he was authorized to make decrees and issue orders within the limitations set by the supreme Reich authorities (Oberste Reichsbehoerden). He was especially under the administrative supervision of the defendant Frick, Reich Minister of Interior. The Reich Governor was also first mayor (Erster Bürgermeister) of Vienna.

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3301-PS, Gesetz über den Aufbau in der Verwaltung der Ostmark (Ostmarkgesetz) (Law concerning the Construction of the Administration in the Eastmark (Eastmark Law), 14 April 1939, 1939 Reichsgesetzblatt, Part I, p. 777.

Schirach was also Reich Defense Commissar of Vienna from 1940 to 1945. These government positions, along with his leadership of the Party in Vienna, made Schirach the most important representative of the Nazi conspirators in the Reichsgau Vienna. Schirach himself states that as Reich Governor his "field was the direction of the general administration" in Vienna.

3302-PS, Affidavit of Schirach, 4 December 1945, Par. 12.

As the highest Party and State leader in the Reichsgau Vienna, Schirach was responsible for all the crimes of the Nazi conspirators in the Reichsgau Vienna on the ground that he either initiated, approved, executed, or abetted them. Specific examples, described below, demonstrate that in fact he was actively and personally engaged in Nazi crimes.

8. SCHIRACH AUTHORIZED, DIRECTED AND PARTICIPATED IN CRIMES AGAINST HUMANITY, PARTICULARLY ANTI-SEMITIC MEASURES.

a. INTRODUCTION

Before proceeding with further specific acts involving Schirach under this allegation of the Indictment, it is important to note that he bears responsibility for providing many, if not most, of the brutal Death Head (Totenkopf) members of the SS, who, in the main, administered the infamous concentration camps. As particularized above under Section 3 g, the SS, by agreement between Himmler and Schirach, took "its replacement primarily" from Streifendienst members of the Hitler Youth and only upon special permission could a non-Hitler Youth become an SS man. Nor can Schirach escape responsibility for his notable assistance in implanting in youth the Nazi ideology generally, with its tenets of a master race, "sub-human" peoples, and world domination. For such notions were the psychological prerequisites for the instigation and toleration of the atrocities which zealous Nazis committed throughout Germany and the occupied countries.

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b. SCHIRACH DIRECTED AND PARTICIPATED IN THE NAZI CONSPIRATORS' SLAVE LABOR PROGRAM.

Documents introduced in evidence during the presentation on slave labor by Mr. Thomas J. Dodd, Trial Counsel for the U. S. Chief of Counsel, have shown the general nature of the slave labor program directed principally by the defendant Sauckel. Vienna was one of the principal cities and an independent Reichsgau of Greater Germany. Schirach, as Gau Leader, and Reich Governor, was delegated far reaching responsibilities concerning the slave labor program and hence shares responsibility for crimes of slave labor.

> 3352-PS, Verfuegungen, Anordnungen, Bekanntgaben (Decrees, orders and regulations) issued by the Party Chancellory, pp. 507, 508, 509, 510, 511, 512, 513, and 567.

This document, at the pages indicated below, proves that the Gau Leaders were required to be the supreme integrating and coordinating agents of the Nazi conspirators in executing the entire manpower program. A circular of the Party Chancellory of 22 March 1942, states that the defendant Goering, upon the suggestion of the defendant Sauckel, had agreed that the Gau Leaders were to become active as Sauckel's special Plenipotentiaries (Bevollmaechtigte) in order that--

> "By the leadership of the Party in full appreciation of the competence of the corresponding Reich authorities, the highest efficiency in the field of manpower shall be guaranteed". (p. 508)

Goering gave Sauckel authority to issue orders to "the agencies of the Party, its member organizations and affiliated organizations" as well as to governmental authorities (p. 509). By an order of 6 April 1942, the defendant Sauckel appointed the Gau Leaders as his "plenipotentiaries for manpower within their respective Gaus", and charged them with the--

> "Establishment of a harmonious cooperation of all agencies of the State, of the Party, of the Armed Forces, and of the Economy, charged with problems or manpower and thus to create agreement between the different conceptions and requirements to obtain the highest efficiency in the field of manpower". (p. 511).

To insure that the Gau Leaders could efficiently perform their manpower tasks, the entire staff of the Provincial Labor Offices were—

> "directed to be at the disposal of the Gau Leaders for information and advice and to fulfill the suggestions and demands of the Gau Leader for the purpose of improvements for manpower." (p. 512).

In this same order the defendant Sauckel said:

> "By the above mentioned commission of the Gau Leaders of the NSDAP, I intend to lead manpower utilization to the greatest success". (p. 512).

Thus, the defendant Sauckel, himself an experienced Gau Leader, bears witness to the involvement after 1942 of the Gau Leaders, including Schirach, in the manpower utilization program of the Nazi conspirators.

Furthermore, a circular from the Party Chancellory of 4 August 1942, shows that "Bearers of Sovereignty" (Hoheitstraeger) of the NSDAP (which included the Gau Leaders and hence Schirach) were to familiarize themselves with the execution of manpower directives on Eastern workers. One of the purposes of this directive was to prevent "inept Factory heads" from giving "too much consideration for the care of the Eastern Workers and thereby causing justified annoyance among the German workers" (p. 567). What "consideration" was in fact meted out to Eastern Workers in the conspirators' manpower utilization program has already been brought to the attention of this Tribunal.

c. SCHIRACH AUTHORIZED, DIRECTED, AND PARTICIPATED IN THE PERSECUTION OF THE CHURCHES.

The activity of the conspirator Schirach in persecuting churches by dissolving religious youth organizations or by incorporating them in the Hitler Youth has been set forth above under Section 3 c.

Official letters of the conspirators Martin Bormann and Hans Lammers, in March 1941, show that church properties in Austria had been confiscated for various pretexts after Schirach had become Gau Leader and Reich Governor of the Reichsgau Vienna. Upon a visit of Hitler to Vienna, Schirach and two other officials raised

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with him a complaint that the confiscations should be made in favor of Gaus rather than of the Reich. Thereafter all Gauleiters were notified that decision had been made in favor of the position Schirach had taken before Hitler, namely in favor of the Gaus.

R-146, Letter from Bormann to all Gauleiters, 20 March 1941, enclosing letter of Dr. Lammers to the Reich Minister of the Interior, dated 14 March 1941.

d. SCHIRACH AUTHORIZED, DIRECTED AND PARTICIPATED IN ANTI-SEMITIC MEASURES.

Even before assuming his Governmental functions in the Reichsgau Vienna, Schirach was responsible for encouraging anti-Jewish terror. Before 1939 at a meeting of Heidelberg students of the National Socialist German Students Bund (NSDStB), Schirach was chief speaker. After praising the students for devoting so much of their time to the affairs of the Party.

"He declared that the most important phase of German University life in the Third Reich was the program of the NSDStB. He extolled various activities of the Bund. He reminded the boys of the service they had rendered during the Jewish purge. Dramatically he pointed across the river to the old University town of Heidelberg where several burnt-out synagogues were mute witnesses of the efficiency of Heidelberg students. These skeleton buildings would remain there for centuries, as inspiration for future students, as warning to enemies of the State."

2441-PS, Affidavit of Gregor Ziemer, 4 October 1945, from p. 176 of his book "Education for Death".

Immediately after becoming Gau Leader and Reich Governor of the Reichsgau Vienna, Schirach's anti-Jewish measures assumed more formidable proportions. As early as 7 November 1940, one Dr. Fischer, "by order" of Reich Governor Schirach, stated that "investigations are being made at present by the Gestapo, to find out how many able-bodied Jews are still available in order to make plans for the contemplated mass projects. It is assumed that there are not many more Jews available. If some still should be available, however, the Gestapo has no scruples to use the Jews even for the removal of the destroyed synagogues. SS Colonel Huber will report personally to the "Regierungspraesident" in this matter".

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1948-PS, Letter on Stationary of the Reichsstatthalter of Vienna, 7 November 1940.

The "Regierungspraisident" was Reich Governor Schirach's personal representative "within the governmental administration" (in der staatlichen Verwaltung) of the Reichsgau.

3301-PS, Gesetz ueber den Aufbau in der Verwaltung der Ostmark (Ostmarkgesetz) (Law concerning the Construction of the Administration in the Eastmark (Eastmark Law), 14 April 1939, 1939 Reichsgesetzblatt, Part I, p. 777, Article I, par. 7.

This letter indicates that the defendant Schirach and his immediate subordinates not only knew of the atrocities which had been committed against the Jews by the Nazi conspirators in the Reichsgau, but also that they endorsed further forced labor of Jews and worked intimately with the Gestapo and the SS in their ruthless measures of persecution. Within six months after Schirach became Gau Leader and Reich Governor of Vienna, Dr. Hans Lammers informed Schirach that "the Fuehrer has decided after receipt of one of the reports made by you, that the 60,000 Jews still residing in the Reichsgau Vienna, will be deported most rapidly, that is still during the war, to the General Government because of the housing shortage prevalent in Vienna". Lammers' letter, dated 3 December 1940, informed Schirach that the Governor General of Poland, the defendant Hans Frank, and the Reichsführer SS Himmler had been informed of the Fuehrer's decision.

1950-PS, Letter from Lammers to Schirach, 3 December 1940.

Schirach's guilt in this connection, by his own admission, however, runs even deeper. In a statement to the so-called European Youth League in Vienna in 1942, Schirach stated:

> "Every Jew who exerts influence in Europe is a danger to European culture. If anyone reproaches me with having driven from this city, which was once the European metropolis of Jewry, tens of thousands upon tens of thousands of Jews into the ghetto of the East, I feel myself compelled to reply: I see in this an action contributing to European culture".

3048-PS, Voelkischer Beobachter (People's Observer), Vienna edition, 15 September 1942, speech of Schirach.

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D. ARGUMENTS AND CONCLUSION

Schirach bears responsibility for rendering significant aid to the Nazi conspirators in each major phase of the conspiracy: winning Nazi supporters before the seizure of power, consolidating the Nazis' control of Germany after the seizure of power; preparing for aggressive wars; and conducting aggressive wars. From the beginning he held important policy-making and administrative positions. From 1931 to the Nazis' downfall, he was one of the small group of Reich Leaders (Reichsleiter) of the NSDAP who consorted together directly subordinate only to Hitler himself and who provided the innermost leaven of the Leadership Corps of the Party. For nearly a decade he was fully in charge of perpetuating the Nazi regime by poisoning the minds of the young generation. Although his principal assistance to the conspiracy was given by his commission of German youth to the conspirators' objectives, still he also stands guilty of heinous crimes against humanity as a Party and governmental administrator of high standing after the conspiracy had reached its inevitable involvement in wars of aggression.

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1948-PS	Letter on stationery of the "Reichsstatthalter of Vienna", 7 November 1940.	23
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2398-PS	Das Archiv (The Archive), issued by Alfred-Ingemar Berndt, Ministerial Counsellor in the Propaganda Ministry, August 1939, Vol. 65, pp. 601-602.	15

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2653-PS	Das Dritte Reich (The Third Reich), by Gerd Ruhle, Fifth Year (1937), pp. 117-118.	10
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TRIAL BRIEF

THE INDIVIDUAL RESPONSIBILITY OF THE DEFENDANT
B A L D U R von S C H I R A C H

FOR CRIMES AGAINST THE PEACE, WAR CRIMES AND CRIMES AGAINST HUMANITY

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